



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 12, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of The Jake Boysel Multipurpose Pathway

RECOMMENDATION: That Council:

- A. Reject the apparent low bid from TalCal Engineering, Inc. (TalCal), as non-responsive, due to their failure to submit a complete bid;
- B. Award a contract with Shaw Contracting, Inc. (Shaw), in their lowest responsive bid amount of \$489,709.50 for construction of the Jake Boysel Multipurpose Pathway (Project), Bid No. 3565;
- C. Authorize the Public Works Director to execute a contract and approve expenditures up to \$75,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- D. Authorize the General Services Manager to issue a Purchase Order to Fugro West (Fugro) in the amount of \$10,000 for material testing services, and to approve expenditures of up to \$1,500 for extra services of Fugro that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

The Project consists of a 925-foot long off-street, multipurpose pathway beginning on Calle Real, just east of the St. Vincent's Bridge. The pathway continues to the east, and connects to an existing path near the intersection of Calle Real and Highway 154. The Project is a federally funded Safe Routes to School Project (SRTS), and is named in memory of Jake Boysel, who was hit by a car while bicycling to school. The purpose of this Council Report is to award the construction contract.

DISCUSSION:

PROJECT DESCRIPTION

The Project, located near La Colina Junior High School, Vieja Valley Elementary School, and Hope Elementary School (see Attachment 1 – Site Vicinity Map), is named in memory of 12-year-old Jake Boysel, who was hit by a motorist in 2006 while biking to school on Calle Real.

This Project consists of an off-street pathway for use by bicyclists and pedestrians. The pathway begins on Calle Real, just east of the St. Vincent's Bridge, and continues 925 feet east (see Attachment 2 – Site Location Map). The new pathway has a minimum width of 10 feet, and will be aligned parallel to existing sidewalk along Calle Real. The pathway will connect to an existing path near the intersection of Calle Real and Highway 154. The existing path continues north to Verano Drive at La Colina Road.

CONTRACT BIDS

A total of eight responsive bids were received for the subject work, ranging as follows:

BIDDER	BID AMOUNT
1. Shaw Contracting Goleta	\$489,709.50
2. Lash Construction Santa Barbara	\$514,208.00
3. G. Sosa Construction Santa Maria	\$522,264.00
4. Granite Construction Santa Barbara	\$522,270.00
5. Berry General Engineering Ventura	\$547,987.50
6. General Pavement Management Santa Paula	\$567,266.77*
7. Yakar San Dimas	\$581,929.00*
8. Nye & Nelson Ventura	\$626,605.75

**corrected bid total*

The low bid of \$489,709.50, submitted by Shaw is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$75,000, or 15%, is within the range for this type of work and size of project.

BID REJECTION

As a federally funded project administered through Caltrans, this project must meet Disadvantaged Business Enterprise (DBE) program requirements. See Attachment 3 for a summary of DBE program requirements. Bidders must comply with these requirements, including demonstrating adequate good faith efforts have been made to meet Underutilized DBE (UDBE) participation goals.

The initial apparent low bid of \$452,575 from TalCal (Canoga Park, CA) for construction of this Project was deemed non-responsive based on the failure of TalCal to submit all required forms and supporting documentation regarding DBE program participation.

The UDBE participation claimed by TalCal is 3.3%. This percentage could not be verified as TalCal did not provide the UDBE subcontractor quote as required to serve as written confirmation that the UDBE is participating in the contract. Allowing full credit for this claim still results in a UDBE participation below the project goal of 8%. Therefore, TalCal was required to submit adequate documentation of having made a good faith effort to advise UDBEs of their bid on this contract and to seek their involvement as a potential subcontractor or supplier.

TalCal's bid did not include *Exhibit 15-H UDBE Information – Good Faith Efforts* or any of the required good faith effort submittal documentation listed in Attachment 3. The submittal was limited to copies of facsimiles sent to three contractors requesting proposals for concrete and paving line items on the bidding sheet. The TalCal submittal indicates that the contractors solicited were UDBEs. However, further investigation by the City revealed that these firms were not actually certified UDBEs. It is the responsibility of the bidder/contractor to verify that the UDBE firm is certified at the date of bid opening.

Based on this information, staff recommends that Council reject the bid of TalCal as non-responsive to the DBE requirements. Staff will give a more detailed presentation regarding its recommendation to reject the bid as non-responsive and the reasoning for recommending the award of the contract to Shaw, who did clearly provide adequate good faith effort documentation, as the lowest responsive bidder.

TalCal was sent a letter dated September 30, 2010 informing them of City staff's recommendation to reject their bid as non-responsive (Attachment 4). At this time, TalCal has not filed a bid protest and they have not indicated whether they will be present to discuss a bid protest.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a Professional Services Purchase Order with Fugro in the amount of \$10,000 for material testing.

PUBLIC OUTREACH

During the Project's design phase, the Project's stakeholders (Boysel family, St. Vincent's/Mercy Housing, Santa Barbara School District, La Colina Junior High School, Hope Elementary School District, Bishop Garcia Diego High School, Coalition for Sustainable Transportation and Santa Barbara Bicycle Coalition) were notified in person, via phone, and/or email of upcoming Transportation Circulation Committee and Architectural Review Board meetings. The Coalition for Sustainable Transportation and the Santa Barbara Bicycle Coalition also posted upcoming hearing dates.

When the Project went out to bid, a Pre-Construction Notification was mailed and/or emailed to local residents and Project stakeholders. A Construction Notification will be sent out to local residents and Project stakeholders once the construction contract has been awarded and the tentative construction timeline is known. The contractor will be responsible for the final notice (door hanger) 72 hours prior to construction.

FUNDING

The City has been awarded a SRTS grant for the Project in the amount of \$901,700. This grant is anticipated to provide all the required funds to complete the Project.

Of the total grant amount, \$163,000 was for design, \$8,270 was for right of way, and the remainder is available for construction.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Shaw Contracting	\$489,709.50	\$75,000.00	\$564,709.50
Fugro	\$10,000.00	\$1,500.00	\$11,500.00
TOTAL RECOMMENDED AUTHORIZATION			\$576,209.50

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

Design (by City Staff)	\$163,000
Right of Way (by City Staff)	\$8,270
Subtotal	\$171,270
Construction Contract	\$489,710
Construction Change Order Allowance	\$75,000
Subtotal	\$564,710
Other Construction Costs (testing, etc.)	\$11,500
Construction Management/Inspection (by City Staff)	\$100,000
Subtotal	\$111,500
TOTAL PROJECT COST	\$847,480

BUDGETARY/FINANCIAL INFORMATION:

The entire cost of this Project is funded through the Federal SRTS Grant. The cost for the construction phase was appropriated through the Fiscal Year 2011 budget. Therefore, there are sufficient funds in the Streets Fund to cover the cost for this Project.

SUSTAINABILITY IMPACT:

The Multipurpose Pathway will facilitate alternative and environmentally friendly modes of transportation. The Project will directly support increased safety and convenience for the elementary and middle school children who walk and/or bike to La Colina Junior High School and other neighboring schools, as well as the general public.

ATTACHMENT(S):

- 1) Multipurpose Pathway And Surrounding Schools
- 2) Site Location Map
- 3) DBE Program Requirements
- 4) Rejection of Bid Notification Letter to TalCal

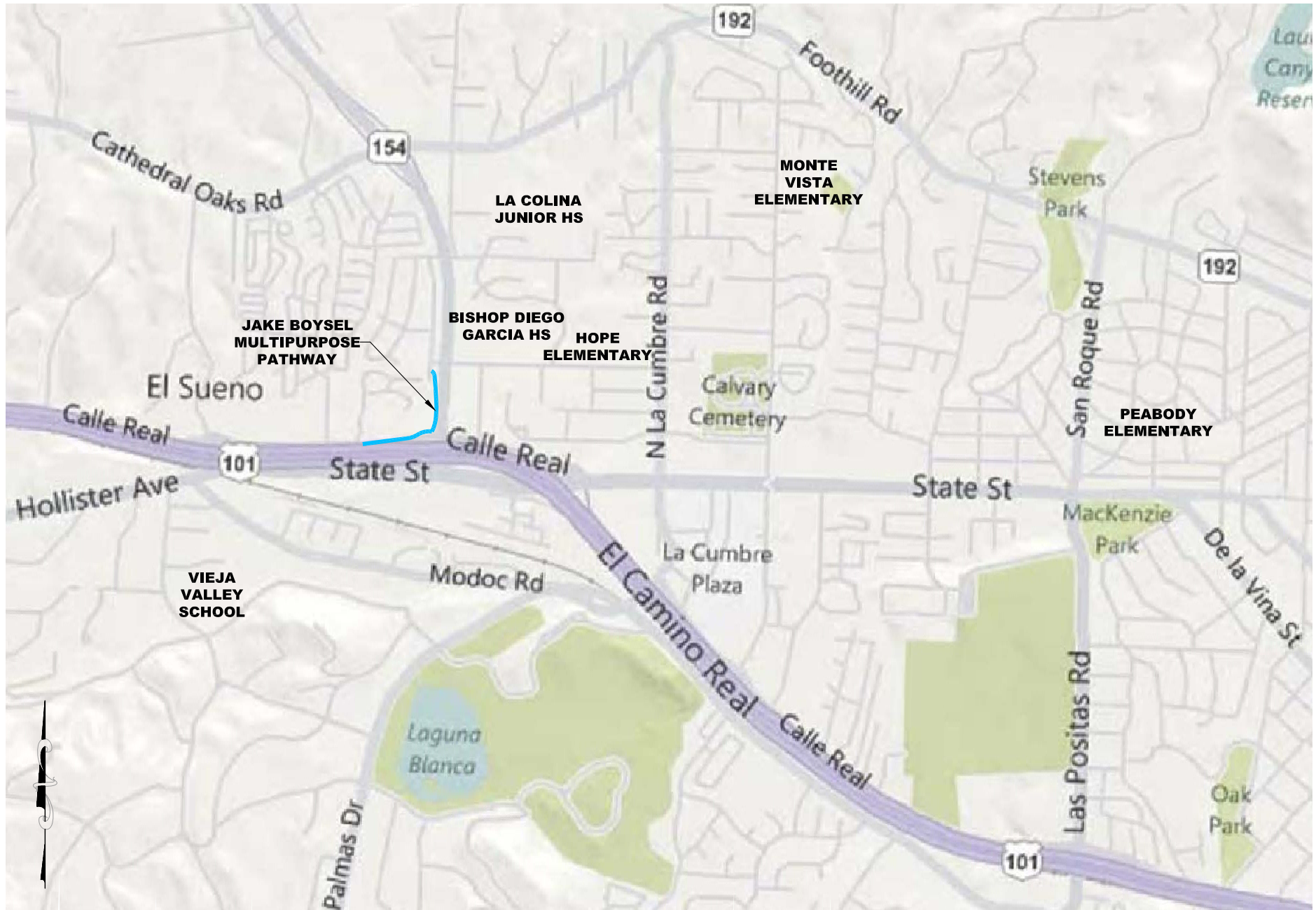
PREPARED BY: Josh Haggmark, Principal Civil Engineer/JG/BD/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

JAKE BOYSEL MULTIPURPOSE PATHWAY AND SURROUNDING SCHOOLS

ATTACHMENT 1



JAKE BOYSEL MULTIPURPOSE PATHWAY
SITE LOCATION MAP

ATTACHMENT 2



DBE PROGRAM SUMMARY

The DBE program is a legislatively mandated United States Department of Transportation (USDOT) program that applies to Federal-aid highway dollars expended on federally-assisted contracts issued by USDOT recipients such as State Transportation Agencies. Congress established the DBE program in 1982 to:

Ensure nondiscrimination in the award and administration of USDOT-assisted contracts;

Help remove barriers to the participation of DBEs in DOT-assisted contracts; and

Assist the development of firms that can compete successfully in the marketplace outside of the DBE program (DBE Supportive Services).

The DBE program ensures that federally assisted contracts for highway, transit, and aviation projects are made available for small business concerns owned and controlled by socially and economically disadvantaged individuals. In the State of California, Caltrans is the transportation agency responsible for establishing program requirements. Caltrans implemented new DBE program requirements which went into effect for all project awarded after June 1, 2009.

The DBE program requires local agencies to establish an Underutilized Disadvantaged Business Enterprise (UDBE) goal for each project. UDBEs are a subset of all DBEs that were determined through a Caltrans Disparity Study to be underutilized. The UDBE groups are:

Asian-Pacific American
Black American
Native American
Women

Projects must meet DBE program requirements including a UDBE participation goal. Bidders must meet this goal or demonstrate adequate good faith efforts have been made to meet this goal.

GOOD FAITH EFFORT DOCUMENTATION

Good faith efforts documentation must include the following information and supporting documents:

1. Items of work you have made available to UDBE firms. Identify those items of work you might otherwise perform with its own forces and those items that have been broken down into economically feasible units to facilitate UDBE

participation. For each item listed, show the dollar value and percentage of the total contract. It is your responsibility to demonstrate that sufficient work to meet the goal was made available to UDBE firms.

2. Names of certified UDBEs and dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty if the UDBEs were interested, and the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified UDBEs through all reasonable and available means and provide sufficient time to allow UDBEs to respond.
3. Name of selected firm and its status as a UDBE for each item of work made available. Include name, address, and telephone number of each UDBE that provided a quote and their price quote. If the firm selected for the item is not a UDBE, provide the reasons for the selection.
4. Name and date of each publication in which you requested UDBE participation for the project. Attach copies of the published advertisements.
5. Names of agencies and dates on which they were contacted to provide assistance in contacting, recruiting, and using UDBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
6. List of efforts made to provide interested UDBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the UDBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.
7. List of efforts made to assist interested UDBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials, excluding supplies and equipment that the UDBE subcontractor purchases or leases from the prime contractor or its affiliate. If such assistance is provided by you, identify the name of the UDBE assisted, nature of the assistance offered, and date. Provide copies of supporting documents, as appropriate.
8. Any additional data to support demonstration of good faith efforts.



City of Santa Barbara
Public Works Department

ATTACHMENT 4

www.SantaBarbaraCA.gov

September 30, 2010

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630 Garden Street
P.O. Box 1990
Santa Barbara, CA
93102-1990

Administration
Tel: 805.564.5377
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Facilities
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Fax: 805.897.2577

Street Maintenance
Tel: 805.564.5413
Fax: 805.897.1991

Transportation
Tel: 805.564.5385
Fax: 805.564.5467

Water Resources
Tel: 805.564.5387
Fax: 805.897.2613

Marion D. Jehens, P.E.
TALCAL Engineering
22641 Valerio Street
West Hills, CA 91307

SUBJECT: Rejection of Bid for Jake Boysel Multipurpose Pathway

Dear Mr. Jehens:

Thank you for submitting your bid on September 14, 2010, for the subject project. This letter is to formally advise you that City staff has carefully reviewed TalCal Engineering's bid submittal and has determined it to be non-responsive. Consequently, staff will be advising the Santa Barbara City Council to reject this bid at a Public Hearing to be held on October 12, 2010, at the Santa Barbara City Council.

The non-responsive bid determination was reached based on the failure of TALCAL Engineering to submit all proposal documents and the supporting documentation listed on Page 11 of the Proposal and Contract, including:

Item k – Local Agency UDBE Commitment

Page 135 of the Proposal and Contract requires "written confirmation from each UDBE stating that it is participating in the contract. Include confirmation with the UDBE Commitment form. A copy of the UDBE's quote will serve as written confirmation that the UDBE is participating in the contract."

This information was not provided with the Local Agency UDBE Commitment form.

Item m – UDBE Information – Good Faith Efforts (Federal Form 15-H)

This form and required supporting documentation (see Page 135 of the Proposal and Contract) were not submitted.

Based on this information, City staff can only conclude that TALCAL Engineering has not made a good faith effort to accomplish UDBE participation in this contract, and therefore, will be recommending that the

Rejection of Bid for Jake Boysel Multipurpose Pathway
September 30, 2010
Page 2 of 2

Santa Barbara City Council reject this bid as non-responsive. See Page 10 of the Proposal and Contract for your rights as a bidder.

Please contact Brian D'Amour at (805) 897-2661 with any questions.

Sincerely,


for Pat Kelly

Assistant Public Works Director/City Engineer

BD/sk

cc: Christine F. Andersen, Public Works Director
Stephen Wiley, City Attorney
Joshua Haggmark, Principal Engineer
John Ewasiuk, Principal Engineer